

**POSSIBLE AMENDMENTS TO  
MINNESOTA RULES PARTS 4410.7000 TO 4410.7500  
DRAFT  
FEBRUARY 12, 2003**

**4410.0200. DEFINITIONS AND ABBREVIATIONS.**

Subp. 38. **High voltage transmission line.** “High voltage transmission line” has the meaning given in part 4410.7610.

**Deleted:** 4400.0200.

Subp. 41. **Large electric power generating plant.** “Large electric power generating plant” has the meaning given in 4410.7610.

**Deleted:** 4400.0200

**4410.4300. MANDATORY EAW CATEGORIES.**

Subp. 3. **Electric generating facilities.** For construction of an electric power generating plant and associated facilities designed for and capable of operating at a capacity of between 25 megawatts and 50 megawatts, the EQB shall be the RGU. For electric power generating plants and associated facilities designed for and capable of operating at a capacity of 50 megawatts or more, environmental review shall be conducted in accordance with the requirements of parts 4410.7600 to 4410.7690 and chapter 4400.

**Deleted:** or more,

Subp. 6. **Transmission lines.** For construction of a transmission line at a new location with a nominal capacity of between 70 kilovolts and 100 kilovolts, with 20 or more miles of its length in Minnesota, the EQB shall be the RGU. For transmission lines and associated facilities designed for and capable of operating at a nominal voltage of 100 kilovolts or more, environmental review shall be conducted in accordance with the requirements of parts 4410.7600 to 4410.7690 and chapter 4400.

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**4410.4400. MANDATORY EIS CATEGORIES.**

Subp. 3. **Electric generating facilities.** For construction of a large electric power generating plant, environmental review shall be conducted in accordance with the requirements of parts 4410.7600 to 4410.7690 and chapter 4400.

**Deleted:** pursuant to part 4410.7000, the EQB shall be the RGU.

Subp. 6. **Transmission lines.** For construction of a high voltage transmission line, environmental review shall be conducted in accordance with the requirements of parts 4410.7600 to 4410.7690 and chapter 4400.

**Deleted:** pursuant to part 4410.7400, the EQB shall be the RGU.

**4410.5200. EQB MONITOR PUBLICATION REQUIREMENTS**

Subpart 1. **Required notices.** Governmental units are required to publish notice of items listed in items A to R in the EQB Monitor, except that this part constitutes a request and not a requirement with respect to federal agencies.

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**Deleted:** P. Notice of the availability of a draft environmental report, pursuant to part 4410.7100, subpart 6.

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**Deleted:** Q. Notice of the availability of a final environmental report, pursuant to part 4410.7100, subpart 10.

Subp. 3. **Required EQB notices.** The EQB is required to publish the following in the EQB Monitor:

F. notice of application for a site permit for a large electric power generating plant or a route permit for a high voltage transmission line pursuant to Minnesota Statutes, sections 116C.51 to 116C.69; and

**Deleted:** certificate of site compatibility or a high voltage transmission line construction permit

G. receipt of a consolidated permit application pursuant to part 4350.3030, subpart 1.

**Deleted:** 4400.5500,

H. notice of the availability of an environmental report, pursuant to part 4410.7630, subpart 8.

**SPECIAL RULES FOR ENVIRONMENTAL REVIEW  
OF ELECTRIC POWER GENERATING PLANTS  
AND HIGH VOLTAGE TRANSMISSION LINES  
IN PROCEEDINGS BEFORE THE  
PUBLIC UTILITIES COMMISSION**

**4410.7600. APPLICABILITY AND SCOPE**

Subpart 1. **Applicability.** Minnesota Rules part 4410.7600 to 4410.7690 apply to any high voltage transmission line project or large electric power generating plant project for which a certificate of need or other need determination is required by the Public Utilities Commission under applicable law.

Subp. 2. **Scope.** Minnesota Rules part 4410.7600 to 4410.7690 establish the requirements for the conduct of environmental review of proposed projects before the Public Utilities Commission for consideration of need. Additional review at the EQB permitting stage will be required under Minnesota Rules chapter 4400.

**4410.7610. DEFINITIONS**

Subpart 1. **Scope.** For the purposes of parts 4410.7600 to 4410.7690, the following terms and abbreviations have the meanings given them.

Subp. 2. **Associated facilities.** “Associated facilities” means buildings, equipment, and other physical structures that are necessary to the operation of a large electric power generating plant or a high voltage transmission line.

Subp. 32. **Chair.** “Chair” means the person who is the chair of the Environmental Quality Board.

Subp. 4. **EQB.** “EQB” means the Environmental Quality Board.

Subp. 5. **Environmental report** “Environmental report” means a written document that describes the human and environmental impacts of a proposed large electric power generating plant or high voltage transmission line and alternatives to the project and methods to mitigate anticipated adverse impacts.

Subp. 6. **High voltage transmission line or HVTL.** “High voltage transmission line” or “HVTL” means any high voltage transmission line with a capacity of 200 kilovolts or more and any high voltage transmission line with a capacity of 100 kilovolts or more with more than ten miles of its length in Minnesota or that crosses a state line.

Subp. 7. **Large electric power generating plant or LEPGP.** “Large electric power generating plant” or “LEPGP” means any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or

more and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system.

Subp. 8. **Mail.** “Mail” means either the United States mail or electronic mail by e-mail.

Subp. 9. **Public Utilities Commission or PUC.** “Public Utilities Commission” or “PUC” means the Minnesota Public Utilities Commission .

#### **4410.7620. ENVIRONMENTAL REVIEW BEFORE THE PUBLIC UTILITIES COMMISSION.**

The Environmental Quality Board shall prepare an environmental report on a proposed high voltage transmission line or a proposed large electric power generating plant at the need stage. The environmental report shall contain information on the human and environmental impacts of the proposed project associated with the size, type, and timing of the project, system configurations, and voltage. The environmental report shall also contain information on alternatives to the proposed project and shall address mitigating measures for anticipated adverse impacts. The EQB shall be responsible for the completeness and accuracy of all information in the environmental report.

#### **4410.7625. COMMENCEMENT OF ENVIRONMENTAL REVIEW.**

Subpart 1. **Certificate of need application.** Any person who submits an application to the Public Utilities Commission for a certificate of need for a LEPGP or a HVTL pursuant to Minnesota Statutes § 216B.243 shall at the same time submit a copy of the application and all accompanying materials required by the PUC to the EQB.

Subp. 2. **Transmission planning report.** Any person who submits a transmission planning report to the Public Utilities Commission with a request for certification of a high voltage transmission line pursuant to Minnesota Statutes § 216B.2425 shall at the same time submit a copy of the report and all accompanying materials required by the PUC to the EQB.

#### **4410.7630. PROCESS FOR PREPARATION OF ENVIRONMENTAL REPORT.**

Subpart 1. **Notice to interested persons.** Upon receipt of an application for a certificate of need or receipt of a transmission planning report seeking certification of a high voltage transmission line, the Environmental Quality Board shall provide notice to interested persons of the pending project. Notice shall be mailed to the following persons

A. those persons on the EQB list maintained pursuant to Minnesota Rules part 4400.1350;

B. those persons on the general service list maintained by the applicant pursuant to Minnesota Rules part 7829.0600;

C. those persons on any service list maintained by the Public Utilities Commission for the proceeding;

D. those persons known to the EQB to own property or reside in the area of the proposed project; and

E. local governmental officials in the area of the proposed project.

Subp. 2. **Content of notice.** The notice required by subpart 1 shall contain the following information:

A. a description of the proposed project, including possible sites or routes if known;

B. a statement that authorization from the Public Utilities Commission to construct the facility has been applied for and a description of the PUC process;

C. a statement that the EQB will prepare an environmental report on the project and a description of the process for preparation of the report;

D. a statement that a public meeting will be held by the EQB and the date and place of the meeting and that the public will have an opportunity to ask questions about the project and to suggest alternatives and impacts to address in the environmental report;

E. a statement indicating whether the project proposer may exercise the power of eminent domain to acquire the land necessary for the project and the basis for such authority.

Subp.3. **Public meeting.** The Environmental Quality Board shall hold a public meeting within 40 days after receipt of an application for a certificate of need or receipt of a transmission planning report seeking certification of a high voltage transmission line. At least twenty days prior to the meeting, the EQB shall mail notice of the meeting to those persons described in subpart 1. The EQB shall also publish notice of the meeting in the *EQB Monitor* and by posting the notice on the EQB Web page. The public meeting must be held in a location that is convenient for persons who live near a proposed project.

Subp. 4. **Conduct of public meeting.** The EQB shall make available at the public meeting a copy of the certificate of need application or transmission planning report. The EQB staff shall explain the process for preparation of the environmental report. At the public meeting, the public must be afforded an opportunity to ask questions and present comments and to suggest alternatives and possible impacts to be evaluated in the environmental report. The EQB shall keep an audio recording of the

meeting. The EQB shall provide at least ten days from the day of the public meeting for the public to submit written comments regarding the proposed project.

Subp. 5. **Applicant role.** The applicant shall provide representatives at the public meeting who can respond to questions about the proposed project.

Subp. 6. **Alternatives and impacts.** Any person desiring that a particular alternative to the proposed project or a possible adverse impact of the project be considered in the environmental report shall identify the alternative or impact to be included, shall provide an explanation of why the alternative or impact should be included in the environmental report, and shall submit all supporting information the person wants the chair to consider. The chair shall provide the applicant with an opportunity to respond to each request that is filed. The chair shall include the alternative or impact in the environmental report only if the chair determines that such evaluation will assist the PUC in its decision on the certificate of need application or HVTL certification request. The chair shall include in the environmental report any alternative or impact identified by the PUC for inclusion.

Subp. 7. **Chair decision.** Within ten days after close of the public comment period, the chair shall issue an order determining the following:

- A. the alternatives to be addressed in the environmental report;
- B. the specific potential impacts to be addressed;
- C. the schedule for completion of the environmental report; and
- D. other matters to be included in the environmental report.

Once the chair has issued an order establishing the matters to be evaluated in the environmental report, the order shall not be changed except upon a decision by the chair that substantial changes have been made in the project or substantial new information has arisen significantly affecting the potential environmental effects of the project or the availability of reasonable alternatives. The chair may elect to bring to the EQB Board any decisions regarding what should be included in the environmental report. In such event, the chair shall bring the matter to the Board at the next regularly scheduled meeting or at a special meeting.

Subp. 8. **Notice of decision.** At the time of the chair decision, the EQB shall mail the order to those persons who have requested to be notified.

Subp. 9. **Time frame for completion of environmental report.** The EQB shall complete the environmental report in accordance with the schedule determined by the chair. In establishing the schedule for completion of the environmental report, the chair shall take into account any applicable statutory deadlines, the number and complexity of the alternatives and impacts to be addressed, and the interests of the public, the applicant,

the PUC, and the EQB. The EQB shall complete the environmental report within four months of submission of the information required by part 4410.7625. If the PUC should determine that an initial certificate of need application or transmission planning report is incomplete, the EQB's schedule shall be extended accordingly.

Subp.10. Notification of availability of environmental report. Upon completion of the environmental report, the EQB shall publish notice in the EQB Monitor of the availability of the environmental report and mail notice of the availability of the document to those persons who have requested to be notified. The EQB shall provide a copy of the document to the PUC and to any other public agency with authority to permit or approve the proposed project. The EQB shall post the environmental report on the agency's Web page.

#### **4410.7635. CONTENT OF ENVIRONMENTAL REPORT**

Subpart 1. Content of environmental report. The environmental report must include:

A. a general description of the proposed project and associated facilities.

B. a general description of the alternatives to the proposed project that are addressed. Alternatives shall include the no-build alternative, demand side management, purchased power, facilities of a different size or using a different energy source than the source proposed by the applicant, generation rather than transmission if a high voltage transmission line is proposed, transmission rather than generation if a large electric power generating plant is proposed, use of renewable energy sources, and those alternatives identified by the chair.

C. an analysis of the human and environmental impacts of a project of the type proposed and of the alternatives identified.

D. an analysis of the potential impacts that are project specific.

E. an analysis of mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified for the proposed project and each alternative analyzed.

F. an analysis of the feasibility of each alternative considered.

G. a list of permits required for the project, and

H. a discussion of other matters identified by the chair.

Subp. 2. Impacts of power plants. At a minimum, the EQB shall address in the environmental report the following impacts for any large electric power generating plant and associated facilities:

\_\_\_\_\_ A. The anticipated emissions of the following pollutants and the calculations performed to determine the emissions at the maximum rated capacity of the project: sulfur dioxide, nitrogen oxides, carbon dioxide, mercury, and particulate matter, including particulate matter under 2.5 microns in length.

\_\_\_\_\_ B. The anticipated emissions of any hazardous air pollutants or volatile organic compounds.

\_\_\_\_\_ C. The anticipated contribution of the project to impairment of visibility within a fifty mile radius of the plant.

\_\_\_\_\_ D. The anticipated contribution of the project to the formation of ozone.

\_\_\_\_\_ E. The availability of the source of fuel for the project, the amount required annually, and the method of transportation to get the fuel to the plant.

\_\_\_\_\_ F. Associated facilities required to transmit the electricity to customers.

\_\_\_\_\_ G. The anticipated amount of water that will be appropriated to operate the plant.

\_\_\_\_\_ H. The potential wastewater streams and the types of discharges associated with such a project including potential impacts of a thermal discharge.

\_\_\_\_\_ I. The types and amounts of solid and hazardous wastes generated by such a project, including an analysis of what contaminants may be found in the ash and where such ash might be sent for disposal or reuse.

\_\_\_\_\_ J. The anticipated noise impacts of such a project, including the distance to the closest receptor where state noise standards can still be met.

\_\_\_\_\_ **Subp. 3. Impacts of high voltage transmission lines.** At a minimum, the EQB shall address in the environmental report the following impacts for any high voltage transmission line and associated facilities:

\_\_\_\_\_ A. The typical right-of-way required for construction of such a transmission line.

\_\_\_\_\_ B. The anticipated size and type of structures required for such a line.

\_\_\_\_\_ C. The electric and magnetic fields usually associated with such a line.

\_\_\_\_\_ D. The anticipated noise impacts of the transmission line.

\_\_\_\_\_ E. The anticipated visual impacts of the transmission line.



Subp. 4. **Incorporation of information.** In preparing an environmental report, the EQB may incorporate information and data from other documents in accordance with the provisions of part 4410.2400.

#### **4410.7640. AGENCY ASSISTANCE**

The Environmental Quality Board may request another state agency to assist in the preparation of an environmental report. Upon request, another state agency shall provide in a timely manner any unprivileged data or information to which it has reasonable access concerning the matters to be addressed in the environmental report and shall assist in the preparation of the environmental report when the agency has special expertise or access to information.

#### **4410.7650. APPLICANT ASSISTANCE**

The Environmental Quality Board may request the applicant for a certificate of need or for certification of a HVTL to assist in the preparation of an environmental report. Upon request, the applicant shall provide in a timely manner any unprivileged data or information to which it has reasonable access and which will aid in the expeditious completion of the environmental report.

#### **4410.7660. ENVIRONMENTAL REPORT TO ACCOMPANY PROJECT**

**Subpart 1. PUC Decision.** The environmental report must be completed and a copy provided to the Public Utilities Commission before the PUC can commence any public hearing or render a final decision on an application for a certificate of need or for certification of a HVTL. The EQB staff shall participate in the PUC proceeding and be available to answer questions about the environmental report and to respond to comments about the document. The environmental report shall be considered by the PUC in making a final decision on a certificate of need or HVTL certification request.

**Subp. 2. Completeness of environmental report.** At the time the PUC makes a final decision on a certificate of need application or a request for certification of a HVTL, the PUC shall determine whether the environmental report and the record created in the matter address the issues identified by the chair in the decision made pursuant to part 4410.7630, subpart 7. The PUC may direct the EQB to prepare a supplement to the environmental report if the PUC determines that an additional alternative or impact should be addressed or supplemental information should be provided.

#### **4410.7665. REVIEW BY OTHER GOVERNMENTAL BODIES**

All local and state governmental bodies that were identified in the environmental report with permitting authority over the project shall consider the report in making any decision to authorize the project.

#### **4410.7670. JOINT PROCEEDING**

Subpart 1. **Environmental assessment.** In the event an applicant for a certificate of need for a LEPGP or a HVTL has also applied to the EQB for a site permit or route permit, and the project qualifies for alternative review by the EQB under Minnesota Rules part 4400.2000, the EQB may elect to prepare an environmental assessment in accordance with part 4400.2750 in lieu of the environmental report required under part 4410.7620. Upon such election, the EQB shall not be required to prepare an environmental report under parts 4410.7600 to 4410.7690.

Subp. 2. **Environmental impact statement.** In the event an applicant for a certificate of need for a LEPGP or a HVTL has also applied to the EQB for a site permit or route permit, and the project does not qualify for alternative review by the EQB under Minnesota Rules part 4400.2000, the EQB may elect to prepare an environmental impact statement in lieu of the environmental report required under part 4410.7620 if the applicant agrees to the additional time that will be required to prepare the environmental impact statement. In such event, the EQB shall not be required to prepare an environmental report under part 4410.7620.

Subp. 3. **Joint hearing.** If the EQB Board determines that a joint hearing with the Public Utilities Commission to consider both permitting and need issues is feasible, more efficient, and may further the public interest, the EQB may decide to hold a joint hearing with the approval of the commission.

#### **4410.7680. ALTERNATIVE FORM OF REVIEW**

The requirements under parts 4410.7600 to 4410.7690 for preparation of an environmental report on a LEPGP or HVTL for which a determination of need by the Public Utilities Commission has been requested is approved as an alternative form or review.

#### **4410.7690. COSTS OF PREPARATION OF ENVIRONMENTAL REPORT.**

Subpart 1. **Applicant required to pay costs.** The applicant for a certificate of need for a large electric power generating plant or a high voltage transmission line or for a certification of a high voltage transmission line as part of a transmission planning report shall pay the Environmental Quality Board the reasonable costs incurred by the EQB in preparing the environmental report.

Subp. 2. **Payment schedule.** The applicant shall submit a minimum payment of \$5000 to the EQB at the time the application or request is filed with the Public Utilities Commission. Additional payments shall be made within thirty days of notification by the agency that additional fees are necessary for completion of the environmental review. After preparation of the environmental report, the EQB shall provide the applicant with a final accounting. The applicant shall make the final payment within thirty days of notification, or the agency shall refund any excess payments within thirty days of the final accounting.

**REPEALER.** Minnesota Rules parts 4410.7000, 4410.7100, 4410.7200, 4410.7300, 4410.7400, and 4410.7500 are repealed.

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